

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARCEL MCCARTHER,

No. C 12-5700 WHA (PR)

Plaintiff.

ORDER OF DISMISSAL

v.

S. DALY,

Defendant.

On November 6, 2012, plaintiff, a county jail inmate, filed a complaint under 42 U.S.C. 1983. That day, the clerk notified plaintiff that he had neither paid the filing fee nor filed an application to proceed in forma pauperis ("IFP"). Along with the notice, the clerk mailed to plaintiff the court's IFP forms, instructions for completing the forms, and a stamped return envelope. In the notice, plaintiff was informed that the case would be dismissed if he did not pay the fee or file a completed IFP application within thirty days. More than thirty days have passed and plaintiff has neither filed an IFP application or paid the filing fee. He has instead written a letter stating that, he wants the case to be dismissed. Accordingly, this case is **DISMISSED** without prejudice.

The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: December 20, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE